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10 Attorneys for Defendants:  
11 MISSION SAN JOSE AIRPORT, LLC and MISSION YOGURT, INC.

12 AREAS USA SJC, LLC, a California limited  
13 liability company,  
14 v.  
15 MISSION SAN JOSE AIRPORT, LLC, a  
16 Colorado limited liability company, and  
17 MISSION YOGURT, INC., a Colorado  
18 corporation,

Plaintiff,

Defendants.

CASE NO. CV11-04487 HRL

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFF'S LIST OF TRIAL EXHIBITS**

**PLACE:** Courtroom 2

**JUDGE:** Hon. Howard R. Lloyd

**Complaint Filed:** September 9, 2011  
**Trial Date:** January 7, 2013

1 Defendants Mission San Jose Airport, LLC and Mission Yogurt, Inc. (collectively,  
 2 "Defendants" or "Mission") set forth herein their objections to exhibits identified in Plaintiff Areas  
 3 USA SJC, LLC's Trial Exhibit List. The parties have conferred on Defendants' objections. Areas  
 4 has agreed to withdraw three documents identified below as a result. The remainder continue to be  
 5 in dispute.

- 6       1. Deposition Exhibit 3: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
       more prejudicial than probative (FRE 403)
- 7       2. Deposition Exhibit 16: : inadmissible hearsay (FRE 801); irrelevant (FRE  
       401); more prejudicial than probative (FRE 403)
- 8       3. Deposition Exhibit 19: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
       more prejudicial than probative (FRE 403)
- 9       4. Deposition Exhibit 21: : inadmissible hearsay (FRE 801); irrelevant (FRE  
       401); more prejudicial than probative (FRE 403)
- 10      5. Deposition Exhibit 22: : inadmissible hearsay (FRE 801); irrelevant (FRE  
       401); more prejudicial than probative (FRE 403)
- 11      6. Deposition Exhibit 23: : inadmissible hearsay (FRE 801); irrelevant (FRE  
       401); more prejudicial than probative (FRE 403)
- 12      7. Deposition Exhibit 33: : inadmissible hearsay (FRE 801); irrelevant (FRE  
       401); more prejudicial than probative (FRE 403)
- 13      8. Deposition Exhibit 37: incomplete (redactions are improper as privilege has  
       been waived. *See* Plaintiff's Exhibits 7 and 29); best evidence rule  
       (incomplete duplicate)
- 14      9. Deposition Exhibit 49: irrelevant (FRE 401)
- 15      10. Deposition Exhibit 53: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
           more prejudicial than probative (FRE 403)
- 16      11. Deposition Exhibit 54: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
           more prejudicial than probative (FRE 403)
- 17      12. Deposition Exhibit 55: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
           more prejudicial than probative (FRE 403)
- 18      13. Deposition Exhibit 61: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
           more prejudicial than probative (FRE 403)
- 19      14. Deposition Exhibit 70: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
           more prejudicial than probative (FRE 403)
- 20      15. Deposition Exhibit 76: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
           more prejudicial than probative (FRE 403)

- 1           16. Deposition Exhibit 112: inadmissible hearsay (FRE 801); irrelevant (FRE  
2           401); more prejudicial than probative (FRE 403)
- 3           17. Deposition Exhibit 127: inadmissible hearsay (FRE 801); irrelevant (FRE  
4           401); more prejudicial than probative (FRE 403)
- 5           18. Deposition Exhibit 128: inadmissible hearsay (FRE 801); irrelevant (FRE  
6           401); more prejudicial than probative (FRE 403)
- 7           19. Deposition Exhibit 144: Areas has agreed to withdraw in light of Court's  
8           motion striking J. Howard Nudell.
- 9           20. Deposition Exhibit 145: Areas has agreed to withdraw in light of Court's  
10          motion striking J. Howard Nudell.
- 11          21. Deposition Exhibit 146: inadmissible hearsay (FRE 801); irrelevant (FRE  
12          401); more prejudicial than probative (FRE 403)
- 13          22. Deposition Exhibit 149: inadmissible hearsay (FRE 801); irrelevant (FRE  
14          401); more prejudicial than probative (FRE 403)
- 15          23. Deposition Exhibit 151: Areas has agreed to withdraw in light of Court's  
16          motion striking Nudell; also lacks foundation and violates best evidence rule.
- 17          24. Deposition Exhibit 154: Areas has agreed to withdraw in light of the Court's  
18          order excluding J. Howard Nudell.
- 19          25. Trial Exhibit 160: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
20          more prejudicial than probative (FRE 403)
- 21          26. Trial Exhibit 161: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
22          more prejudicial than probative (FRE 403)
- 23          27. Trial Exhibit 162 inadmissible hearsay (FRE 801); irrelevant (FRE 401); more  
24          prejudicial than probative (FRE 403); also lacks foundation and violates best  
25          evidence rule (incomplete illegible document)
- 26          28. Trial Exhibit 163: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
27          more prejudicial than probative (FRE 403)
- 28          29. Trial Exhibit 164: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
29          more prejudicial than probative (FRE 403)
- 30          30. Trial Exhibit 165: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
31          more prejudicial than probative (FRE 403)
- 32          31. Trial Exhibit 166: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
33          more prejudicial than probative (FRE 403)
- 34          32. Trial Exhibit 167: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
35          more prejudicial than probative (FRE 403)
- 36          33. Trial Exhibit 168: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
37          more prejudicial than probative (FRE 403)

- 1 34. Trial Exhibit 169: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
2 more prejudicial than probative (FRE 403)
- 3 35. Trial Exhibit 170: irrelevant (FRE 401); more prejudicial than probative (FRE  
403)
- 4 36. Trial Exhibit 172: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
5 more prejudicial than probative (FRE 403). In particular, Areas is intending  
6 to use the document to propagate a falsehood and to confuse the jury into  
thinking that Fentress determined that there was no issue with the baggage  
system below, when Areas knows it is not true.
- 7 37. Trial Exhibit 173: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
more prejudicial than probative (FRE 403)
- 8 38. Trial Exhibit 174: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
more prejudicial than probative (FRE 403)
- 9 39. Trial Exhibit 175: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
more prejudicial than probative (FRE 403)
- 10 40. Trial Exhibit 176: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
more prejudicial than probative (FRE 403)
- 11 41. Trial Exhibit 177: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
more prejudicial than probative (FRE 403); also lacks foundation.
- 12 42. Trial Exhibit 178: inadmissible hearsay (FRE 801); irrelevant (FRE 401);  
more prejudicial than probative (FRE 403); also lacks foundation.

16  
17                   **II. CERTIFICATION**

18 I hereby certify that I have met and conferred with counsel prior to filing these objections in  
19 accordance with the Court's Standing Order re: Pretrial Preparation.

22 Dated: December 11, 2012

BRYAN CAVE LLP

24 By: /s/ Daniel T. Rockey

25 Daniel T. Rockey

26 Attorneys for MISSION SAN JOSE AIRPORT,  
LLC and MISSION YOGURT, INC.